

September 20, 2004

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 11

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.

- | | | | | |
|----|---|------|-------|----------------|
| | Item | Page | -2003 | (Comm. 24M-5) |
| a. | ERIE COUNTY FARM BUREAU: Copy of Letter to Legislator Chase Re: 48-Hour Pesticide Notification Law.
(5-0) | | | |
| | Item | Page | -2004 | (Comm. 9M-28) |
| b. | NYSDOH: Health Consultation – Public Comment Draft for Off-site Residential Properties Former NL Industries Site, Depew, NY.
(5-0) | | | |
| | Item | Page | -2004 | (Comm. 13E-32) |
| c. | COUNTY EXECUTIVE: ECSD No. 5 – Town of Clarence – Transit Road & Sheridan Drive – Change Order.
(5-0) | | | |
| | Item | Page | -2004 | (Comm. 15M-10) |
| d. | VILLAGE OF EAST AURORA: Certified Copy of Resolution Re: Contract for Operation of Wastewater Treatment Plant & Sewer System.
(5-0) | | | |
| | Item | Page | -2004 | (Comm. 16E-10) |
| e. | COUNTY EXECUTIVE: ECSD No. 2 – Construction Inspection Service Agreement.
(5-0) | | | |
| | Item | Page | -2004 | (Comm. 16E-11) |
| f. | COUNTY EXECUTIVE: EC/Southtowns Sewage Treatment Agency – Engineering Service Agreement 6/1/02 – Change Order No. 5 – Stearns & Wheler.
(5-0) | | | |
| | Item | Page | -2004 | (Comm. 16M-12) |
| g. | VILLAGE OF EAST AURORA: Request for Formation of an Extension to ECSD No. 3.
(5-0) | | | |
| | Item | Page | -2004 | (Comm. 19D-3) |
| h. | DEP: NYSDEC Recycling Project Grant.
(5-0) | | | |

i. Item Page -2004 (Comm. 19D-20)
DEP: SEQR – Negative Declaration – North Creek Sub-Trunk Sanitary Sewer – Town of Hamburg.
 (5-0)

j. Item Page -2004 (Comm. 19E-12)
COUNTY EXECUTIVE: Notice of Public Hearing Re: ECSD 2005 Assessment Rolls.
 (5-0)

k. Item Page -2004 (Comm. 19E-83)
COUNTY EXECUTIVE: ECSD No. 2 – Engineering Service Agreements – Stearns & Wheler.
 (5-0)

l. Item Page -2004 (Comm. 19E-85)
COUNTY EXECUTIVE: ECSD Nos. 1-6 – Section 270/271 Resolutions.
 (5-0)

m. Item Page -2004 (Comm. 19E-88)
COUNTY EXECUTIVE: ECSD No. 1 – French Road Sanitary Sewer Rehabilitation – Change Order No. 1 – Intercounty Paving Associates.
 (5-0)

n. Item Page -2004 (Comm. 19E-94)
COUNTY EXECUTIVE: ECSD No. 3 & Southtowns Sewage Treatment Agency – Engineer Term Agreement.
 (5-0)

o. Item Page -2004 (Comm. 19E-96)
COUNTY EXECUTIVE: Consolidation of Sewer Services Agreement Between Blasdel & ECSD No. 3 – Change Order No. 4.
 (5-0)

p. Item Page -2004 (Comm. 19M-2)
TOWN OF AURORA: Certified Resolution Re: ECSD No. 3.
 (5-0)

2. Item Page -2003 **AS AMENDED**
COUNTY EXECUTIVE
 RESOLUTION NO. _____
 (Comm. 20E-41)

RESOLUTION DATED _____, 2004

A RESOLUTION APPROVING (1) AN INCREASE AND IMPROVEMENT OF FACILITIES FOR ERIE COUNTY SEWER DISTRICT NO. 2 IN THE COUNTY OF ERIE, NEW YORK AND

(2) AN APPLICATION TO THE STATE COMPTROLLER FOR CONSENT FOR
EXPENDITURE OF FUNDS FOR SAID INCREASE AND IMPROVEMENT OF FACILITIES.

(Introduced) _____, 2004.

(Adopted) _____ 2004.

WHEREAS, The County Legislature of the County of Erie, New York, has heretofore duly caused to be prepared a report and estimate of cost, by the County Engineers (Erie County Department of Environment and Planning) relating to an increase and improvement of the facilities of Erie County Sewer District No. 2, which report and estimate of cost have been filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, such report and estimate of cost have been accepted and adopted on April 22, 2004 by the Board of Managers of said District pursuant to a written resolution which has been filed with said County Legislature; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of said District No. 2 in said County, consisting of the replacement of two (2) sewage pumping stations, the Lake Street and Point Breeze Stations and related force mains, including the construction of a facility to house new standby generators, load banks and automatic transfer switches along with required instrumentation and controls and related improvements to the existing Big Sister Creek Wastewater Treatment Plant, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of said Sewer District is \$10,840,000; and

WHEREAS, the consent of the State Comptroller must be obtained prior to the expenditure for said increase and improvement if such expenditure is to be financed by the issuance of bonds or notes of the County therefor, and the cost thereof to the Typical Property (as defined in the County Law), which is \$52.29, is above the Average Estimated Cost of \$11.00 to the Typical Properties for similar types of expenditures, as computed by the State Comptroller, in accordance with the provisions of Section 268 of the County Law; and

WHEREAS, said County Legislature duly adopted Resolution No. 277 on the 24th day of June, 2004, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid increase and improvement of facilities in accordance with the aforesaid report and estimate of cost; and

WHEREAS, said County Legislature has heretofore duly caused to be prepared by the Department of Environment and Planning an Application to the State Comptroller for his consent to the total expenditure for such increase and improvement, such Application to be executed and verified by and on behalf of the County by the County Executive; and

WHEREAS, said public hearing was duly held at 92 Franklin Street. 2nd Floor. Part 6. Buffalo. New York, in said County, on the 9th day of September. 2004, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner, provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing; and

WHEREAS, said County Legislature has reviewed said Application, as prepared by the Department of Environment and Planning; and

WHEREAS, the aforesaid increase and improvement has been determined to be a "TYPE I" Action pursuant to the Regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed will not result in any significant environmental impacts;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities of Erie County Sewer District No.2 in the County of Erie, New York, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$10,840,000.

Section 2. Said Application to the State Comptroller was prepared at the direction of said County Legislature;

Section 3. Said County Legislature believes the contents of the Application to be accurate.

Section 4. Said County Legislature has determined that the expenditure for which, consent is sought is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof.

Section 5. The cost of the proposed expenditure is to be assessed against a benefited area which consists of the entire area of Erie County Sewer District No. 2.

Section 6. Said Application is hereby directed to be forwarded by the County Executive to the State Comptroller to obtain his consent to the total expenditure authorized herein, and such expenditure shall not be made or contract let for the purposes authorized herein until such consent has been obtained.

Section 7. This resolution shall take effect immediately.
(5-0)

3. Item Page -2004 **AS AMENDED**
(Comm. 11E-24)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District Number 4, William Street Subtrunk Sanitary Sewer, Contract 35L on September 2, 2004.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
Contract 35L	Sergi Construction, Inc. P.O. Box 436 West Falls, New York 14170	\$506,015.72

WHEREAS, the aforementioned lowest responsible bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the William Street Subtrunk Sanitary Sewer, Contract No. 35L be awarded to the lowest responsible bidder as follows:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract 35L	Sergi Construction, Inc. P.O. Box 436 West Falls, New York 14170	\$506,015.72

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contracts with the aforementioned lowest responsible bidder subject to approval by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$506,015.72 from Sewer Capital, Erie County Sewer District No. 4, Account C.00031 (430-693), for Contract 35L; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning; one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller Office and one certified copy to Gregory Dudek, Assistant County Attorney.

(5-0)

AS AMENDED
(Comm. 19E-81)

4. Item Page -2004

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the 2004 Erie County Budget includes a capital project entitled Stormwater Outfall Mapping/GIS Enhancements in the amount of \$109,200; and

WHEREAS, the State of New York, through its Department of Environmental Conservation (NYSDEC), provides financial aid for Phase II Stormwater Implementation Projects; and

WHEREAS, the NYSDEC granted Erie County the sum of \$500,000 over a three-year period to establish the Western New York Stormwater Pollution Prevention Implementation Project; and

WHEREAS, the required County match will be met through indirect expenses and in-kind contributions from Erie County staff and municipal representatives; and

WHEREAS, it is necessary that an agreement between New York State and the County of Erie be executed in order to receive this aid; and

WHEREAS, the County of Erie herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein call the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is authorized to enter into the necessary agreements to accept grant funding in the amount of \$500,000 from the NYSDEC for the Western New York Stormwater Pollution Prevention Implementation Project, and be it further

RESOLVED, that grant funding in the amount of \$500,000 for the Western New York Stormwater Pollution Prevention Implementation Project is hereby appropriated in the County Capital Budget Project No. A.00251, Stormwater Outfall Mapping/GIS Enhancements, and be it further

RESOLVED, that Joel A. Giambra, County Executive, or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Article 56, Title 3. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance, and be it further

RESOLVED, the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation, and be it further

RESOLVED, that this Resolution take effect immediately, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; the County Attorney; and the Albany office of the New York State Department of Environmental Conservation.
(5-0)

5. Item Page -2004 (Comm. 19E-82)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has the responsibility for coordinating the New York State Agricultural District Re-certification Process for seventeen districts within Erie County; and

WHEREAS, the Department of Environment and Planning is currently coordinating the re-certification of the following agricultural districts:

1. Clarence/Newstead - #14
2. Newstead/Alden - #1
3. Eden/Hamburg - #2
4. Eden/Boston - #3
5. North Collins/Eden/Boston - #4; and

WHEREAS, the primary planner responsible for coordinating the aforementioned process retired from County service in September 2002 thereby leaving a void in expertise relative to the agricultural district process and other rural planning services; and

WHEREAS, Erie County has engaged in a personal services contract with former Erie County Chief Planner Chester C. Jandzinski to assist in agricultural recertification work since 2002; and

WHEREAS, funds authorized under the 2002 personal services contract will soon be fully disbursed; and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a second Rural Planning Personal Services Contract with Chester C. Jandzinski, residing at 1650 Hall Road, Elma, New York 14059; and be it further

RESOLVED, that the agreement shall include an authorized contract amount not to exceed \$9,000; and be it further

RESOLVED, that the purpose of said agreement shall be to coordinate the re-certification of various Erie County Agricultural Districts with the New York State Department of Agriculture and Markets, and other rural planning services as deemed appropriate by the Department of Environment and Planning; and be it further

RESOLVED, that the source of funds shall be money available within the Erie County Department of Environment and Planning, Community Development Block Grant, Cost Center 1621120, GL Account #516020; and be it further

RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this resolution to the County Executive; the County Comptroller; the Commissioner of the Department of Environment and Planning; the Commissioner of Personnel; and the Director of the Division of Budget, Management, and Finance.

(5-0)

AS AMENDED

6. Item Page -2004 (Comm. 19E-84)

COUNTY EXECUTIVE

WHEREAS, Article 5-A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5 and 6; and

WHEREAS, Notice of said Public Hearing shall be published at least once in the official County newspapers and at least five (5) days prior to holding the Public Hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Sewer District assessment rolls be open for public inspection after October 1, 2004 in the offices of the Division of Sewerage Management, 95 Franklin Street, Buffalo, New York 14202; and be it further

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Part 6, Buffalo, NY, at 1:30 p.m., local time, on November 4, 2004, for the purpose of meeting to hear and consider any objections which may be made to the 2005 Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5 and 6; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing no later than the week of October 3, 2004; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Joel A. Giambra, County Executive, Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy A. Naples, County Comptroller, and Gregory Dudek Assistant County Attorney.

(5-0)

7. Item Page -2004 (Comm. 19E-86)

COUNTY EXECUTIVE

WHEREAS, County of Erie/Erie County Southtowns Sewage Treatment Agency herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Southtowns Outfall Extension identified as CWSRF Project No. 6647-06, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the CWSRF Act), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
(Authorized Representative)

The ERIE COUNTY COMPTROLLER
(Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both.
4. That the Clerk of the Legislature be directed to send one certified copy of this resolution to Joel Giambra, County Executive; three (3) certified copies of this Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller's Office; and one certified copy to Gregory J. Dudek, Assistant County Attorney.
5. This Resolution shall take effect immediately.

(5-0)

8. Item Page -2004 (Comm. 19E-87)

COUNTY EXECUTIVE

WHEREAS, the Division of Sewerage Management has requested the creation of one JG 13 – Sr. Project Engineer and deletion of one Assistant Sanitary Engineer position, JG 12; and the creation of one Sr. Clerk Typist, Job Group 4 and the deletion of one Sr. Account Clerk, Job Group 6, and

WHEREAS, these position adjustments are reflected on B-100 position authorization forms, control numbers 251 and 252, in the SAP system.

NOW, THEREFORE, BE IT

RESOLVED, that the creation of one JG 13 – Sr. Project Engineer and deletion of one Assistant Sanitary Engineer position, JG 12, as well as the creation of one Sr. Clerk Typist, Job Group 4 and the deletion of one Sr. Account Clerk, Job Group 6 in the Division of Sewerage Management are hereby approved; and be it further

RESOLVED, that funding for the position adjustments is available in unexpended salaries in the budget of the Division of Sewerage Management, and be it further

RESOLVED, that certified copies of the approved resolution shall be sent to Joel A. Giambra, County Executive, Charles J. Alessi, Deputy Commissioner, Department of Environment and Planning, the Erie County Personnel Department and the Erie County Budget Office.

(5-0)

9. Item Page -2004 (Comm. 19E-89)

COUNTY EXECUTIVE

WHEREAS, the County of Erie had secured the services of Siemens Building Technologies to provide Consultant Services for the completion of comprehensive energy audits for facilities of the Erie County/Southtowns Sewage Treatment Agency and the Erie County Sewer District Nos. 1,3,4 and 5; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all services are completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Agreement dated July 27, 2002 with Siemens Building Technologies Inc. in the final amount of \$58,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Agreement dated July 27, 2002 between the County of Erie and Siemens Building Technologies be formally closed-out in the final contract amount of \$58,000 and any unused balances be cancelled; and be it further

RESOLVED, that the Clerk of the Legislature send a certified copy of the resolution to Joel A. Giambra, County Executive; Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; Gregory Dudek, Assistant County Attorney; the Erie County Comptroller's Office and the Director of Budget, Management, and Finance.

(5-0)

10. Item Page -2004 (Comm. 19E-90)

COUNTY EXECUTIVE

WHEREAS, the Town of Boston on behalf of Town Sanitary Sewer District Nos. 1, 3 and 4 has requested Erie county Sewer District No. 3 to assume ownership of Town District Nos. 1, 3 and 4 sanitary sewer lines; and

WHEREAS, the Town District Nos. 1, 3 and 4 sewer pipes are in need of refurbishing and/or replacement; and

WHEREAS, the needed sewer refurbishment/replacement is to be funded by monies from bonds previously issued for the Boston Valley Extension to Erie County Sewer District No. 3; and

WHEREAS, an intermunicipal agreement is necessary to consolidate the ownership of the Boston Town Sewer District Nos. 1, 3 and 4 sewers with Erie County Sewer District No. 3.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County on behalf of Erie County Sewer District No. 3 and the Town of Boston on behalf of Town Sewer District Nos. 1, 3 and 4 for the purpose of transferring ownership to Town Sewer District Nos. 1, 3 and 4 sewer lines and appurtenances to Erie County Sewer District No. 3 be approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the agreement subject to approval as to form by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one certified copy each to Joel A. Giambra, County Executive; Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management; and William A. Eagan, Supervisor, Town of Boston.
(5-0)

11. Item Page -2004 (Comm. 19E-91)

COUNTY EXECUTIVE

WHEREAS, the Village of Hamburg has requested Erie County Sewer District No. 3 to assume ownership, operation and maintenance of the Village's sanitary sewer system; and

WHEREAS, an intermunicipal agreement is necessary to consolidate the ownership and operation of the Village of Hamburg's sewerage system with Erie County Sewer District No. 3.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3, and the Village of Hamburg for the purpose of sanitary sewer system operation and maintenance by ECSD No. 3, and transfer of ownership of the Village's sewer system to ECSD No. 3 following extension of the district to include the Village, be approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; and one copy each to Joel A. Giambra, County Executive, Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management; and Curt S. Hermann, Mayor, Village of Hamburg.
(5-0)

12. Item Page -2004 (Comm. 19E-92)
 COUNTY EXECUTIVE

WHEREAS, the Town of Aurora has requested Erie County Sewer District No. 3 to assume ownership, operation and maintenance of the Town's Sanitary Sewer Districts; and

WHEREAS, an intermunicipal agreement is necessary to consolidate the ownership and operation of the Town of Aurora's sewerage system with Erie County Sewer District No. 3.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3, and the Town of Aurora for the purpose of providing sanitary sewer system operation and maintenance by ECSD No. 3 to the Town's Sewer Districts, and transfer of ownership of the Town's sewer system to ECSD No. 3 following extension of the district to include the Town, be approved; and be it further

RESOLVED, that Erie County Sewer District No. 3 pay the Town of Aurora an amount not-to-exceed \$900,000 for the Town's sewer system, subject to extension of Erie County Sewer District No. 3 to include the Village of East Aurora and Town and receipt of a low interest loan to cover said costs from the New York State Environmental Facilities Corporation through the Clean Water State Revolving Fund; and be it further

RESOLVED, that the retirement of the low interest loan debt be the responsibility of the ratepayers within the extension to Erie County Sewer District No. 3 that includes the Town and Village of East Aurora; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; and one copy each to Joel A. Giambra, County Executive; Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management; and Terence M. Yarnall, Supervisor, Town of Aurora.
(5-0)

13. Item Page -2004 (Comm. 19E-93)

COUNTY EXECUTIVE

WHEREAS, the Village of East Aurora has requested Erie County Sewer District No. 3 to assume ownership, operation and maintenance of the Village's sanitary sewer system; and

WHEREAS, an intermunicipal agreement is necessary to consolidate the ownership and operation of the Village of East Aurora's sewerage system with Erie County Sewer District No. 3.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3, and the Village of East Aurora for the purpose of providing sanitary sewer system operation and maintenance by ECSD No. 3 to the Village, and transfer of ownership of the Village's sanitary sewer system to ECSD No. 3 following extension of the district to include the Village, be approved; and be it further

RESOLVED, that Erie County Sewer District No. 3 pay the Village of East Aurora in an amount not-to-exceed \$9,000,000 for the Village's sewer system, subject to extension of Erie County Sewer District No. 3 to include the Village and receipt of a low interest loan to cover said cost from the New York State Environmental Facilities Corporation through the Clean Water State Revolving Fund; and be it further

RESOLVED, that the retirement of the low interest loan debt be the responsibility of the ratepayers within the extension to Erie County Sewer District No. 3 that includes the Village and Town of Aurora; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; and one copy each to Joel A. Giambra, County Executive; Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management; and David DiPietro, Mayor, Village of East Aurora.
(5-0)

14. Item Page -2004 (Comm. 19E-95)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of URS Corporation by Agreement dated April 15, 2003, to provide engineering services for the Consolidation of Sewer Services between the Village of Blasdell and Erie County Sewer District No. 3/Southtowns Sewage Treatment Agency; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management is interested in expanding the engineer's scope of services to include evaluation of the chlorine content times and hydraulics of the Overflow Retention Facility (ORF); and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management is recommending approval of Change Order No. 3 to the URS Corporation Agreement dated April 15, 2003 in an amount not to exceed \$54,017.92.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 3 to URS Corporation dated April 15, 2003, be approved subject to approval by the Department of Environment and Planning, in an amount not to exceed \$54,017.92; and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management is hereby directed to execute and process Change Order No. 3, subject to certification of availability of funds from the project fund balance by the Comptroller's Office; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to allocation \$54,017.92 from Sewer Capital Account, C.00012 (430-374) for payment of this change order; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolutions to Charles J. Alessi, P.E., Department of Environment and Planning; one (1) certified copy to Joel A. Giambra, County Executive; Nancy Naples, Erie County Comptroller; and Gregory Dudek, Assistant County Attorney.
(5-0)

RAYMOND K. DUSZA
CHAIRMAN